

REMARKS

The above amendments and following remarks are submitted in response to the pending Official Action of the Examiner mailed August 5, 2008. Having addressed all objections and grounds of rejection, claims 1-21, being all the pending claims, are now deemed in condition for allowance. Reconsideration to that end is respectfully requested.

The Examiner has objected to claim 21 as containing a typographical anomaly. In response thereto, claim 21 has been amended as suggested by the Examiner.

Claims 11-20 have been rejected under 35 U.S.C. 112, second paragraph, as being indefinite. In response thereto, claims 11 and 16 have been amended as suggested by the Examiner to improve clarity for the Examiner. In addition, claims 1, 6, and 21 have been similarly amended in accordance with Applicants' disclosure (see, for example, the Abstract) to provide additional clarity.

Claims 1-21 have been rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,895,482, issued to Blackmon et al. (hereinafter referred to as "Blackmon") in view of U.S. Patent No. 6,292,824, issued to Siksa (hereinafter referred to as "Siksa") and further in view of U.S. Patent No. 7,286,836, issued to Emmerson et al. (hereinafter referred to as "Emmerson"). This ground of rejection is respectfully traversed

for the Examiner to present a *prima facie* case of obviousness as specified by MPEP 2143.

To make a *prima facie* case of obviousness, MPEP 2143 requires the Examiner to provide evidence and argument showing: 1) motivation to make the alleged combination; 2) reasonable likelihood of success of the alleged combination; and 3) all claimed elements within the alleged combination. The Examiner has failed to make any of these three required showings. Therefore, because the Examiner has not made a *prima facie* case of obviousness, Applicants need not and indeed cannot offer appropriate evidence and argument in rebuttal.

The first required showing is that of motivation. The Examiner freely admits that:

Blackmon does not explicitly teach first client application service application ... (emphasis added)

Nevertheless, the Examiner somehow finds motivation for the alleged combination with Siksa stating:

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teaching of Blackmon to incorporate the teaching of Siksa because this would provide a framework allow (sic) for development and enhancement of client-server applications without the need for re-programming the framework. (emphasis added)

In other words, even though Blackmon does not have the claimed "client-server applications", if it did, one would be motivated to make alleged combination with Siksa to "provide a framework".

Thus, the Examiner implicitly admits that one would not be motivated to make the alleged combination with Siksa to "provide a framework" for development of "client-server applications", because Blackmon admittedly does not have "client-server applications".

To the unmotivated combination of Blackmon and Siksa, the Examiner alleges the further combination with Emmerson. In an apparent attempt to show motivation for this further combination, the Examiner states:

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teaching of Blackmon and Siksa to incorporate the teaching of service application is located within said data base management system (emphasis added)

Thus, even though the disclosed systems of Blackmon and Siksa each operate within a single computer, the Examiner alleges that if Blackmon and Siksa had disclosed something different (i.e., multiple computer systems), the alleged phantom disclosure would benefit from the alleged further combination with Emmerson. Again, the Examiner has implicitly admitted the lack of motivation.

Having failed to show any motivation, the Examiner ignores her obligation to show reasonable likelihood of success. No doubt, she has done so, because of the readily apparent incompatibilities amongst Blackmon, Siksa, and Emmerson.

The Examiner also fails to provide the third required showing of all claimed elements within the alleged combination. Applicants' invention as disclosed and claimed provides an apparatus for and method of improving the efficiency of service request/response activity between multiple clients and multiple service applications within a complex environment. The key to the technique is the use of separate, independent thread pools to maintain I/O and computational activity. A common client key is utilized with both thread pools for a given client service request to ensure the needed coordination. None of the prior art references of record individually or in combination discloses this approach. This is best illustrated by reference to the individual claims.

Claim 1 has five claimed elements. The first claimed element is "a client computer having at least one of a plurality of client applications which generate service requests". In making her rejection, the Examiner cites Fig. 1, element 182, of Blackmon, being the only disclosed computer. Yet, the Examiner expressly states at paragraph 9:

Blackmon does not explicitly teach first client application is located within said user terminal.

Thus, the Examiner has specifically contradicted her own findings and has explicitly admitted that her rejection is clearly erroneous.

The second claimed element is "a hardware server having a service application responsively coupled to said plurality of client applications". Instead of considering what Blackmon actually discloses (i.e., a single computer system), the Examiner cites column 5, lines 24-25, of Blackmon which mentions what Blackmon might have disclosed, but admittedly does not. It is respectfully suggested that the Examiner limit her consideration to what is actually disclosed by the prior art, rather than to what the prior art could have disclosed in view of Applicants' disclosure.

The third claimed element is "a first service request requiring Input/Output activity and computational activity generated by a first one of said plurality of client applications transferred to said service application". Ignoring the limiting element as claimed, the Examiner parses the claimed element in an attempt to find the words of the claim, while ignoring the meaning thereof. For example, the claimed "service request" must require both "I/O activity" and "computational activity". Yet, the Examiner ignores this requirement and cites column 6, lines 56-60, of Blackmon to show operations in the alternative.

The fourth claimed elements reads:

a first thread pool **responsively coupled to said service application** which handles said Input/Output activity of said first service request;

Even though in making her rejection, the Examiner alleges Blackmon has this element, at paragraph 9 of the pending official action, she admits:

Blackmon does not explicitly teach a service application ...

Therefore, it is explicitly admitted by the Examiner that Blackmon cannot possibly have the claimed element.

The fifth claimed element is:

a second thread pool responsively coupled to said service application which handles said computational activity of said first service request.

Again, for the same reasons, Blackmon cannot have the claimed element as expressly admitted by the Examiner.

Having made none of the three showings required by MPEP 2143 to present a *prima facie* case of obviousness, the rejection of claim 1, and all claims depending therefrom, is respectfully traversed.

Claim 2 depends from claim 1 and is further limited by "a first client key which uniquely identifies said first one of said plurality of client applications to said first thread pool and said second thread pool". In making her rejection, the Examiner cites Siksa, column 7, lines 66-67. Noticeably absent from this citation is "which uniquely identifies....to said first thread pool and said second thread pool".

Having clearly erroneously found that the FIFO disclosed by Blackmon, column 7, line 40, is the claimed "first thread pool"

and the claimed "second thread pool" (see rejection of claim 1), the Examiner could not possibly show that the Client Key of Siksa "uniquely identifies" the "client applications" to the FIFO of Blackmon. The rejection of claim 2 is respectfully traversed as based upon clearly erroneous findings of fact.

Claim 3 depends from claim 2 and is further limited by "a second one of said plurality of client applications generates a second service request transferred to said service application requiring Input/Output activity and computational activity". Instead of addressing Applicants' claimed invention as required by law, the Examiner again irrelevantly cites Blackmon to show the separate rather than integrated functions as explained above. The rejection of claim 3 is respectfully traversed as based upon clearly erroneous findings of fact, legally irrelevant findings which do not address Applicants' claimed invention, and findings which are unsupported by the prior art of record.

Claim 4 depends from claim 3 and is further limited by "a second client key which uniquely identifies said second one of said plurality of client applications to said first thread pool and said second thread pool". Again, the Examiner cites Siksa, column 7, lines 66-67, which could not be used to "uniquely identify" to the FIFO of Blackmon, as explained above. The Examiner's rejection of claim 4 is respectfully traversed as clearly erroneous and unsupported by the prior art of record.

Claim 5 depends from claim 4 and further limits the hardware configuration. Blackmon clearly discloses a single computer system (see Fig. 1). Network 160 of Fig. 1 is internal to computer 100. It defies logic that the Examiner could find internal Network 160 to be the claimed "publically accessible digital data communication network". The rejection of claim 5 is respectfully traversed.

Claim 6 is an independent method claim having three steps as limiting elements. The first claimed element is "transferring said service request from said client application to said service application". The Examiner admits at paragraph 9 of the pending official action:

Blackmon does not explicitly teach.....a service application responsively coupled to said plurality of client applications....

Nevertheless, she somehow finds the claimed transferring step within Blackmon. Thus the finding of the first claimed step of claim 6 within Blackmon is admittedly clearly erroneous.

The second claimed step is "handling said Input/Output activity using a first thread pool". In making her rejection, the Examiner cites nearly a whole column of Blackmon (i.e., column 7, line 38, through column 8, line 10) which says nothing of the claimed "Input/Output activity". Therefore, the Examiner's finding is not only clearly erroneous, it is legally

irrelevant, because it does not address Applicants' claimed invention.

The third claimed element is "handling said computational activity using a second thread pool". In making her rejection, the Examiner cites nearly a whole column of Blackmon (i.e., column 7, line 38, through column 8, line 10) which says nothing of the claimed " In making her rejection, the Examiner cites nearly a whole column of Blackmon (i.e., column 7, line 38, through column 8, line 10) which says nothing of the claimed "Input/Output activity". Therefore, the Examiner's finding is not only clearly erroneous, it is legally irrelevant, because it does not address Applicants' claimed invention.". Therefore, the Examiner's finding is not only clearly erroneous, it is legally irrelevant, because it does not address Applicants' claimed invention.

The rejection of amended claim 6, and all claims depending therefrom, is respectfully traversed.

Claim 7 depends from claim 6. Though it contains different limitations from those of claim 2 and does not depend from claim 1 as does claim 2, the Examiner states:

As per Claim 7, it is rejected for the same reason as Claim 2 above.

The rejection of claim 2 is traversed in accordance with the reasoning provided above. The rejection of claim 7 is respectfully traversed.

Claim 8 depends from claim 7 and is further limited by "wherein said transferring step further comprises transferring said service request to said service application via a publically accessible digital data communication network". As explained above, Blackmon discloses a single computer system. Nevertheless, in making her rejection, the Examiner cites Blackmon, column 5, lines 18-36, which parenthetically mentions the Internet, but says nothing of the claimed "transferring step". The rejection of claim 8 is respectfully traversed as based upon clearly erroneous findings of fact and lack of support from the prior art of record.

Claim 9 depends from claim 8 and is further limited by "a user terminal wherein said client application is located within said user terminal". As explained above, the alleged combination cannot meet the limitations of claim 8 from which claim 9 depends. Therefore, the alleged combination cannot meet the further limitations of claim 9. The rejection of claim 9 is respectfully traversed.

Claim 10 depends from claim 9 and is further limited by "a data base management system wherein said service application is located within said data base management system". None of the prior art references of record discloses the claimed "data base management system. Therefore, the Examiner cites Emmerson, column 5, lines 2-3, which discloses an "application data base",

however, it says nothing of the claimed "data base management system". Furthermore, as explained above, the alleged combination cannot meet the limitations of claim 9 from which claim 10 depends. Therefore, the alleged combination cannot meet the further limitations of claim 10. The rejection of claim 10 is respectfully traversed.

Claim 11 is an independent apparatus claim having four "means-plus-function" limitations. As result, controlling law requires the Examiner to examine claim 11 in accordance with MPEP 2181-2184. Clearly, she has not done so, because MPEP 2181 requires the Examiner to explicit acknowledge the "means-plus-function" limitations of claim 11. The rejection of claim 11, and all claims depending therefrom, is respectfully traversed for failure of the Examiner to examine the claim in accordance with controlling law.

Claim 12 depends from claim 11 and is further limited by "means for uniquely identifying said generating means to said first thread pool means and said second thread pool means". It is clear that the Examiner has not examined this "means-plus-function claim in accordance with controlling law, because the Examiner has not provided the acknowledgment required by MPEP 2181. The rejection of claim 12 is respectfully traversed or failure to be examined in accordance with controlling law.

Claim 13 depends from claim 12 and is further limited by "wherein said identifying means further comprises a client key". As explained above, claim 12 from which claim 13 depends has not been examiner in accordance with controlling law. Therefore, the rejection of claim 13 is respectfully traversed.

Claim 14 depends from claim 13 and is further limited by "wherein said honoring means further comprises a data base management system". As explained above, the alleged combination does not disclose the claimed "data base management system". Therefore, the rejection of claim 14 is respectfully traversed.

Claim 15 depends from claim 14 and is further limited by "wherein said generating means further comprises a user terminal". As explained above, claim 14 from which claim 15 depends has not been examiner in accordance with controlling law. Therefore, the rejection of claim 15 is respectfully traversed.

Claim 16 is an independent, Jepson-type apparatus claim having two key improvement limitations. Even though the limitations of the preamble are limiting as a matter of law, the omits a portion thereof (e.g., "located within a hardware server"). Thus, the rejection of claim 16 is incorrect, as a matter of law.

The two improvement elements are a "first thread pool" and a "second thread pool". The alleged combination does not have these elements. Therefore, the Examiner again clearly

erroneously attempts to equate the FIFO of Blackmon with the claimed "thread pools". Yet, there is no showing that Blackmon utilizes the FIFO for either the claimed "I/O activity" or the claimed "computational activity". Furthermore, the key is that a single service request generally has tasks within each of these two claimed thread pools. There is no showing that the FIFO of Blackmon has these characteristics. The rejection of amended claim 16, and all claims depending therefrom, is respectfully traversed.

Claim 17 depends from claim 16. Though it contains different limitations from those of claim 2 and does not depend from claim 1 as does claim 2, the Examiner states:

As per Claim 17, it is rejected for the same reason as Claim 2 above.

The rejection of claim 2 is traversed in accordance with the reasoning provided above. The rejection of claim 17 is respectfully traversed.

Claim 18 depends from claim 17 and is further limited by "wherein said client computer further comprises a user terminal containing said client application". At paragraph 9, the Examiner admits:

Blackmon does not explicitly teach first client application is located within said user terminal;

Nevertheless, the Examiner ignores her express admission and state:

As to claim 18, Blackmon teaches a user terminal containing said client application....

The rejection of claim 18 is respectfully traversed as based upon admittedly clearly erroneous findings of fact.

Claim 19 depends from claim 18. Though it contains different limitations from those of claim 8 and does not depend from claim 6 as does claim 8, the Examiner states:

As per Claim 19, it is rejected for the same reason as Claim 8 above.

The rejection of claim 19 is traversed in accordance with the reasoning provided above. The rejection of claim 19 is respectfully traversed.

Claim 20 depends from claim 19 and is further limited by "a data base management system containing said service application located within said hardware server". As explained above, the alleged combination does not disclose the claimed "data base management system". Therefore, the Examiner again cites Emmerson, which does not even mention the claimed "data base management system". The rejection of claim 20 is respectfully traversed.

Claim 21 is an independent apparatus claim having nine limiting elements. The first claimed element is "a plurality of client applications which generate a plurality of service requests". The Examiner finds this element within Blackmon.

The second claimed element is "a service application responsively coupled to said plurality of client applications". The Examiner readily admits that Blackmon does not have this element. Therefore, she somehow finds this element at column 1, lines 20-23, of Siksa. However, there is no showing of the claimed "coupling". Thus, the Examiner simply ignores the limitation.

The third claimed element is "a first of said plurality of service requests requiring Input/Output activity and computational activity generated by a first one of said plurality of client applications transferred to said service application". The claim requires that a single service request requires both "Input/Output activity" and "computational activity". The Examiner simply ignores the claimed coordinating conjunction.

The fourth claimed element is "a first thread pool responsively coupled to said service application which handles said Input/Output activity of said first service request". The alleged combination does not have a "thread pool" as claimed. Therefore, the Examiner clearly erroneously attempts to equate a FIFO with the claimed "thread pool". Furthermore, there is no showing that the alleged combination has a "thread pool" (or even a FIFO) dedicated to I/O activity.

The fifth claimed element is "a second thread pool responsively coupled to said service application which handles

said computational activity of said first service request". Again, having no "thread pool", the alleged combination could not possibly meet the limitations of this claimed element.

The sixth claimed element is "a first client key which uniquely identifies said first one of said plurality of client applications to said first thread pool and said second thread pool". The Examiner realizes that this limitation cannot possibly be found in the alleged combination. Therefore, she cites Emmerson, which mentions a "client key" without any suggestion that this is utilized to "uniquely identify" a client application to the claimed "thread pools".

The seventh claimed element has been deleted as a duplicate of the eighth claimed element.

The eighth claimed element is "wherein a second one of said plurality of client applications generates a second service request transferred to said service application requiring Input/Output activity and computational activity". Because the alleged combination cannot meet the limitations of the first claimed element, it cannot meet the limitations of this claimed element.

The ninth claimed element is "a user terminal responsively coupled to a data base management system via a publically accessible digital data communication network and wherein said first client application is located within said user terminal and

said service application is located within said data base management system". As explained above, Blackmon discloses a single computer system. Though it parenthetically mentions that this single computer could be coupled to the Internet, there is no functionality disclosed with this coupling. As also explained above, network 160 of Blackmon is an internal network. It cannot be "publically accessible" as claimed.

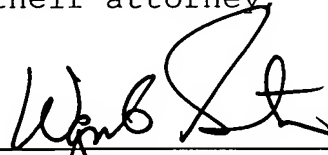
The rejection of claim 21 is respectfully traversed as based upon clear errors of law and clearly erroneous findings of fact.

Having thus responded to each objection and ground of rejection, Applicant respectfully requests entry of this amendment and allowance of claims 1-21 being the only pending claims.

Please charge any deficiencies or credit any overpayment to Deposit Account No. 14-0620.

Respectfully submitted,
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By their attorney



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